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10/631,920

07/30/2003

Kenneth J. Onion

KSW 322

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08/07/2006

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EXAMINER

PAYER, HWEI SIU CHOU

ART UNIT

PAPER NUMBER

3724

DATE MAILED: 08/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/631,920

Applicant(s)

ONION ET AL.

Examiner

Hwei-Siu C. Payer

Art Unit

3724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 May 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-15, 19, 20 and 22-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 20, 22, 23, 25 and 26 is/are allowed.
- 6) ☒ Claim(s) 8, 9, 11-14 and 19 is/are rejected.
- 7) ☒ Claim(s) 10, 15 and 24 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 04 January 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

The amendment filed on 5-17-2006 has been entered.

Claim Objection

Claim 24 is objected to since it depends from a canceled claim (i.e. claim 21).
For examining purpose, claim 24 has been interpreted as being dependent from claim 20.

Claims Rejection - 35 U.S.C. 102(b)

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 8, 9, 11, 13-15 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Daughtry (U.S. Patent No. 3,851,986).

Daughtry discloses a knife as claimed which comprises a handle (10) including a first side (14) and a second side (16); a blade (12) configured to rotate between an open position and a closed position and having a tang with an inlet including a slot (58) terminating in a receptacle (56), the blade (12) being removably secured to the handle

(10); and a manually-releasable fastening device (24,26,34,40,52) adapted to releasably engage the handle (10) and the blade (12) such that, while the fastening device (24,26,34,40,52) is in a released position, the blade (12) is removable from the handle (10) and the first side (14) is separable from the second side (16, see Fig.5) as claimed. Further, the fastening device (24,26,34,40,52) includes a knob (34) and a retention post (26,52), and the inlet of the blade (12) is adapted to engage the retention post (26,52) of the fastening device (24,26,34,40,52). The retention post (26,56) has a neck (52) and a base (26), and the base (26) is sized to be engaged by the receptacle (56) of the blade (12) as claimed.

Claim Rejection - 35 U.S.C. 103(a)

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Daughtry (U.S. Patent No. 3,851,986) in view of Korb et al. (U.S. Patent No. 4,918,820).

Daughtry's knife as set forth shows all the claimed structure except the knob (34) lacks friction grips.

Korb et al. show a knife having fastening knob (14) which has friction grips on the outer edge of the knob (see Fig.9).

It would have been obvious to one skilled in the art to modify Daughtry by providing the knob (34) with friction grips to facilitate in ease tightening and untightening of the knob as taught by Korb et al.

Indication of Allowable Subject Matter

1. Claims 10 and 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
2. Claims 20, 22, 23, 25 and 26 are allowed.
3. Claim 24 would be allowable if amended to depend from claim 20.

Remarks

Applicant argues, at page 8 of the amendment, even when the member 24 of Daughtry is backed off completely, as shown in Fig.6, the handle portions (14,16) are still coupled together by the member 24, and thus are not separable. Examiner disagrees. When the member 24 is at the position shown in either Fig.5 or Fig.6, the handle portions (14,16) are indeed separated by a distance (20). It is correct that when the handle portions (14,16) of Daughtry are at the position shown in Fig.5 or 6, they are still coupled by a connector (19, note Fig.2), and so are Applicant's handle portions (42,44) which are coupled by a connector (40) as well when the fastening device is released.

Applicant further argues Daughtry's locking member (24) is not "manually" releasable. On the contrary, Daughtry clearly states the locking member (24) is pushed "manually" upwardly (see column 3, lines 14-15) or "manually" positioned (see column 3, lines 26-27). The backing off the lock nut (34) is accomplished manually, and there is no need to unscrew the stop screw (40) as Applicant alleges.

Action Made Final

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Point of Contact

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hwei-Siu C. Payer whose telephone number is 571-272-

4511. The examiner can normally be reached on Monday through Friday, 7:00 am to 4:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on 571-272-4502. The fax phone numbers for the organization where this application or proceeding is assigned are 571-273-8300 for official communications and 571-273-4511 for proposed amendments.

H Payer
July 26, 2006

A handwritten signature in black ink, appearing to read 'H. S. Payer'.

Hwai-Siu Payer
Primary Examiner